

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ROSS PONDER AND SARAH PONDER,
INDIVIDUALLY, AND AS NEXT FRIEND
OF H.P., L.P., and R.P., MINORS,
Plaintiffs,**

VS.

**AUSTIN MONTESSORI SCHOOL, INC.;
RONALD GRAE BAKER, INDIVIDUALLY;
and JINNY GONZALEZ, INDIVIDUALLY,
Defendants.**

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CIVIL ACTION NO. 1:25-cv-00615 ADA-SH

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNOPPOSED FIRST
AMENDED MOTION FOR REMAND AND MEMORANDUM OF LAW IN SUPPORT**

COME NOW Plaintiffs, Ross Ponder and Sarah Ponder, Individually and as Next Friend of H.P., L.P. and R.P., minors (“Ponders” or “Plaintiff”), and file their unopposed Motion for Leave to File Unopposed First Amended Motion for Remand and show the Court as follows:

1. Plaintiffs respectfully move the Court, pursuant to Rule 15 of the Federal Rules of Civil Procedure, for leave to file their First Amended Motion for Remand, a copy of which is attached hereto as Exhibit “A”. The new motion addresses the fact that the First Amended Complaint removes a number of causes of action that Plaintiffs no longer intend to pursue based on additional facts that have been discovered, including all claims involving a federal question.
2. Rule 15 provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).
3. Allowing Plaintiffs to file the Amended Motion for Remand would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.
4. Through the First Amended Motion for Remand, Plaintiffs address the fact that all Federal

Claims were removed in the First Amended Complaint and therefore, as the Supreme Court ruled in *Royal Canin U.S.A. v. Wullschleger*, “a post-removal amendment excising all federal claims destroys federal jurisdiction.” 145 S. Ct. 604 US 22, 220 L.Ed. 2d 289 (2025).

5. This argument could not have been made in the original Motion for Remand, as the First Amended Complaint had not been filed. Now that the Federal claims have been dismissed, it is critical to address the fact that the case, as a matter of law, must be remanded to the state court.

6. For all these reasons, and those stated in the attached memorandum in support, Plaintiffs respectfully request that the Court grant Plaintiffs leave to file the attached Amended Complaint. Also attached is a proposed order.

Respectfully submitted,

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By: /s/ Amy C. Welborn

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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

The undersigned certifies counsel conferred on June 11, 2025, and Defendants’ counsel agreed to the relief sought. Accordingly, this Motion and the leave requested herein are unopposed.

/s/ Amy C. Welborn
Amy C. Welborn

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on 11th day of June 2025.

/s/ Amy C. Welborn
Amy C. Welborn